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SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER PYO, MONICA M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/725,351	Applicant(s) MESSINA ET AL.	
	Examiner MONICA M. PYO	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 14, 15, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 14-15, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 2/19/2010.
2. Currently, claims 1-4, 14-15 and 30-31 are pending in this application. Claims 1, 4, 14-15 and 30 are independent claims. In the Amendment filed 2/19/2010, claims 5-13 are cancelled and claims 1, 4, 14, 15 and 30 are amended. This action is made Final.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Regarding claim 1, this claim recites the claim limitation of “means for automatically collecting at the...” (i.e., in line 10 of claim 1). It appears that the specification does not provide proper antecedent basis for such claim recitations. Therefore, there is no proper antecedent basis for the claimed subject matter.

Regarding claims 1-3, these claims recite the claim limitation of “a first database” (i.e., in line 4 of claim 1), “one or more second databases” (i.e., in lines 8-9 of claim 1), “one of more first documents” (i.e., in line 4 of claim 1), and “one or more second documents” (i.e., in line 10 of claim 1). It appears that the specification does not provide proper antecedent basis for such claim recitations. Therefore, there is no proper antecedent basis for the claimed subject matter.

Regarding claims 4 and 30, these claims recite the claim limitation of “automatically updating the user... based on user interaction with the data...” (i.e., in lines 5-6 of claim 4). It appears that the specification does not provide proper antecedent basis for such claim recitations. Therefore, there is no proper antecedent basis for the claimed subject matter.

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Regarding claims 14 and 15, these claims recite the claim limitation of "one or more first sites" (i.e., line 4 of claim 14). It appears that the specification does not provide proper antecedent basis for such claim recitations. Therefore, there is no proper antecedent basis for the claimed subject matter.

Regarding claim 14, this claim recites the claim limitation of "automatically excluding one or more..." (i.e., in line 11 of claim 14). It appears that the specification does not provide proper antecedent basis for such claim recitations. Therefore, there is no proper antecedent basis for the claimed subject matter.

Claim Objections

4. Claim 1 is objected to because of the following informalities:

Regarding claim 1, it is unclear what is meant by the phrase "means for automatically collecting at the first database one or more second documents posted at one or more of the second databases in reply to one or more of the posted first documents" due to the confusing nature of wording therein. It appears that "one or more second documents" have some relations with "the first database" and "the second database". However, it is unclear. Clarification is required. Further, it is unclear how is the "one or more posted first document" is related to the "one or more second document" in view of the first and second databases. Clarification is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 14-15 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0848338 issued to Bunney et al. (hereinafter Bunney) in view of Japanese Application Publication No. JP-06-301577 issued to Saito Takahiro (hereinafter Saito).

Regarding Claim 1, Bunney discloses a computerized system for automatically posting and retrieving information to and from databases of user-generated content on a computer network, the system comprising:

means for receiving one or more first documents from users into a first database of user-generated content (Bunney: pg. 5, lns. 36-pg. 6, lns. 8; pg. 6, lns. 26-38; fig. 4A);

means for evaluating content fitness of one or more of the received first documents (Bunney: pg. 6, lns. 25-36; pg. 8, lns. 26-36);

means, responsive to an affirmative evaluation of content fitness, for posting one or more of the first documents stored at the first database of user-generated content to one or more second databases of user-generated content in the computer network (Bunney: pg. 6, lns. 25-pg. 7, lns. 44; pg. 8, lns. 8-16 and 35-38);

means for automatically update tracking at the first database one or more second documents posted at one or more of the second databases in reply to one or more of the posted first documents (Bunney: pg. 6, lns. 1-43); and

means for providing access at the first database to one or more of the automatically collected second documents, including means for excluding one or more of the collected second documents (i.e., the Autoload functionality includes a 'predefined' feature to work with any

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predefined group links), based on user-defined criteria (Bunney: pg. 6, lns. 45-pg. 7, lns. 44; pg. 7, lns. 53- pg. 8, lns. 38).

Although Bunney discloses a feature of an automatic update tracking system, Bunney does not explicitly disclose a feature of means for automatically collecting at the first database one or more second documents posted in reply to one or more of the posted first documents. However, such feature is well known in the art as disclosed in Saito (Saito: pgs. 4-5, [0050-0055]) and it would have been obvious to one of ordinary skill in the art at the time of invention was made to utilize the teachings of Saito in the system of Bunney in view of improving the efficiency of data accessing system.

Regarding claims 4 and 30, Bunney discloses a computerized system comprising:
a first database accessible via a computer network (Bunney: pg. 3, lns. 15-21);
means for automatically updating the user-or administrator-defined search criteria based on user interaction with the data incorporated into the first database (Bunney: pg. 4, lns. 20-31; pg. 6, lns. 1-43; pg. 7, lns. 53-pg. 8, lns. 3).

Bunney discloses a feature of an automatic content posting system, Bunney does not explicitly disclose the system comprising a feature of means for incorporating data, based on user-or administrator-defined topical search criteria, from one or more other databases into the first database, however, such feature is well known in the art as disclosed in Saito (Saito: pg. 3, [0024]; pg. 4, [0043-0046]; pg. 5, [0057-0059]) and it would have been obvious to one of ordinary skill in the art at the time of invention was made to utilize the teachings of Saito in the system of Bunney in view of improving the efficiency of data accessing system.

Regarding Claims 14 and 15, Bunney discloses a computerized method of automatically posting and retrieving information to and from sites on a computer network, the method comprising:

automatically searching and retrieving documents, based on user-defined keywords or parameters, from one or more first sites on the computer network on a periodic, scheduled, or event-driven basis (Bunney: pg. 5, lns. 56-58; pg. 6, lns. 26-38; fig. 4A);

posting one or more of the retrieved documents to a second site (Bunney: pg. 8, lns. 26-36);

receiving commands from users of the second site to post documents to one or more the first sites (Bunney: pg. 8, lns. 26-36); and

in response to the posting documents to one or more of the first sites, retrieving and collecting at the second site reply documents that are associated with the posted documents on the one or more first sites, including automatically excluding one or more of the collected reply documents based on user-or administrator-defined topical criteria (Bunney: pg. 6, lns. 45-pg. 7, lns. 44; pg. 8, lns. 8-16 and 35-38).

Bunney does not explicitly disclose features of receiving commands from users of the second site to post documents to one or more the first sites, however, such feature is well known in the art as disclosed in Saito (Saito: pg. 3, [0034-0036]; pgs. 9-10, [0122-0129]; pg. 11, [0141-0145]) and it would have been obvious to one of ordinary skill in the art at the time of invention was made to utilize the teachings of Saito in the system of Bunney in view of improving the efficiency of data accessing system.

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Regarding claim 31, Bunney and Saito discloses the method wherein incorporating data from the two or more separate network accessible database includes retrieving data that satisfies the topical search criteria and rejecting a portion of the retrieved data based on exclusion criteria (Bunney: pg. 8, lns. 20-28).

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney in view of Saito, and further in view of U.S. Patent No. 6,292,796 issued to Drucker et al. (hereinafter Drucker).

Regarding Claim 2, Bunney and Saito disclose the system wherein the first and second documents. Bunney and Saito do not explicitly disclose documents concern medical or health information, however, such feature is well known in the art as disclosed in Drucker (Drucker: col. 1, lns. 25-28 and 34-40) and it would have been obvious to one with ordinary skill in the art at the time of invention to utilize the teachings of Drucker in the systems of Bunney and Saito in view of improving a data accessing system.

Regarding Claim 3, while Bunney and Saito disclose the system wherein the first and second documents displaying a newspaper (Bunney: col. 6, lns. 51-54; col. 7, lns. 9-20) which possibly can contain articles and information about many different searching topics, Bunney and Saito do not explicitly disclose documents concern knees, hearts, lungs, allergies, HIV, specific body parts, cancer, lost children, cooking, sports, entertainment, celebrities, politics, law,

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restaurants, consumer products, motion pictures, videos, music recordings, corporations, government officials, criminal activity, schools, science, wines, beers, foods, professional service providers, colleges, alumni of educational institutions, genealogy, gossip, or sex. However, Drucker explicitly discloses a feature of concerning a type of disease (Drucker: col. 10, lns. 56-64) and it would have been obvious to one with ordinary skill in the art at the time of invention to utilize the teachings of Drucker in the systems of Bunney and Saito in view of improving a data accessing system.

Although Bunney, Saito and Drucker do not explicitly identify all of claimed searching topics (i.e., topics of knees, hearts, lungs, allergies, HIV, specific body parts, cancer, lost children, cooking, sports, entertainment, celebrities, politics, law, restaurants, consumer products, motion pictures, videos, music recordings, corporations, government officials, criminal activity, schools, science, wines, beers, foods, professional service providers, colleges, alumni of educational institutions, genealogy, gossip, or sex.), the Examiner takes an official notice that the claimed search topics are well known in the Internet searching art. Furthermore, the specific content of searching topics, whether the searching topic is just one or a plurality of topics, does not provide any patentable weight to claim.

Response to Arguments

8. Applicant's arguments filed 2/19/2010 have been fully considered but they are not persuasive.

Applicant argues that the Bunney and Saito references do not disclose the feature of "automatically updating the user- or administrator-defined topical search criteria based on user interaction with the data incorporated into the first database." However, the examiner disagrees.

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Bunney discloses in pg. 6, lns. 3-8 the feature of operating a user interaction with the data incorporated into the database (i.e., a user selects “My Forum” and it links to content items within the forum). Bunney further discloses in pg. 6, lns. 27-44 the feature of an automatic update tracking process. Therefore, Bunney in view of Saito clearly discloses applicant’s broadly recited claim limitations as explained in the rejection above. It should be noted that it is the claims that define the claimed invention, and it is claims, not the specification, that are anticipated or unpatentable. It should also be noted that **a reference may be relied upon for all that is would have reasonably suggested to one having ordinary skill in the art**, including non preferred embodiments.

Applicant also argues that the Bunney and Saito references do not disclose the feature of “automatically excluding one or more of the collected reply documents based on user- or administrator-defined topical criteria.” However, the examiner disagrees with this argument. Bunney specifically discloses in pg. 6, lns. 45-54 the feature of utilizing an “Autoload” functionality to work with “any predefined group of links such as links related to an article or content article or a user’s link sets”, which inherently teaches that its system loads only preset topical criteria. Therefore, it is perfectly valid to interpret that teaching of Bunney would read on the claimed limitations. It should also be noted that a reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to dispute terms.

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Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon- Fri 8:00 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo
Examiner
Art Unit 2161

5/2010

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Supervisory Patent Examiner, Art Unit 2161